

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

WAYLEN JOHNSON, et al.,

Plaintiffs,

vs.

MICHAEL E. KELLY,

Defendant.

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Case No. 2:07CV00016 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Defendant Michael E. Kelly's Second Motion to Extend Stay of Civil Proceedings Pending Completion of Criminal Proceeding [doc. #30]. The Court heard arguments from the Parties on this Motion on September 29, 2008.

Defendant is currently being prosecuted for matters that directly relate to the claims in the pending action. The Court originally granted a stay of these proceedings on January 9, 2008. Defendant asks that the Court extend the stay of all proceedings for 90 days or pending the completion of the criminal prosecution against Defendant, whichever occurs first. At this time, Defendant states that the parties in the criminal prosecution are contemplating that Defendant will plead guilty and a resolution order will be entered to compensate the alleged victims for their losses.

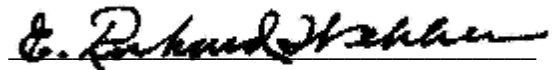
Defendant has already been granted numerous stays in anticipation of entering into a plea agreement. This action has been pending since March 12, 2007, and the criminal matters have been pending since Defendant's arrest in December 2006. Several Plaintiffs in this action have passed away or become incapacitated since it was initiated. The Court will grant Defendant a

sixty (60) day stay. However, the Court notes that it is unlikely that any other stays will be granted.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Michael E. Kelly's Second Motion to Extend Stay of Civil Proceedings Pending Completion of Criminal Proceeding [doc. #30] is **GRANTED**. All proceedings in this action are stayed for sixty (60) days.

Dated this 29th day of September, 2008.

  
E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE